

REMARKS

Claims 1, 7, 9, 10, 12–14, and 16–21 are pending in this application. Claims 2–6, 8, 11, 15, and 22–34 are cancelled. Claim 7 is currently amended.

The Examiner objects to the drawings under 37 CFR 1.83(a). The Applicant respectfully requests that the Examiner's objection be withdrawn as moot in light of the foregoing amendment of the claims.

Claims 7 and 22 to 34 stand rejected under 35 U.S.C. 112, first paragraph. In light of the foregoing amendment to the claims, the Applicant respectfully requests that the §112, first paragraph, rejection of claim 7 be withdrawn as moot.

Claims 1 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by US6089228 to Smith. The Applicant respectfully disagrees with the Examiner and submits that the claims of the present application are not anticipated by Smith.

Unlike the present invention as claimed, Smith provides that medicament is taken out of a blister by vacuum pressure and afterward the medicament is mixed with the propellant gas. Thus, Smith provides a Venturi-like nozzle. On the contrary, the present invention as claimed provides that gas plus medicament are mixed in the first stage and go through the different portions of the valve together. Thus, the present invention as claimed provides a Laval-type nozzle.

In light of the foregoing, the Applicant respectfully requests that the §102(b) rejection of claims 1–7 be reconsidered and withdrawn.

Claims 1, 7, 9, 10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schenk (WO 90/07351). The Applicant respectfully disagrees with the Examiner and submits that the claims of the present application are not anticipated by Schenk.

Schenk works according to the same principle as Smith. In Schenk, the medicament is pulled from a container with vacuum pressure (see pg. 3, last paragraph). Moreover, on page 7, last paragraph, it is mentioned that the dispersion of the particles should be obtained with (additional) mechanical means. This is different from the present invention as claimed, in which gas plus medicament are mixed in the first stage and go through the different portions of the valve together and which employs a Laval-type nozzle to achieve dispersion.

Respectfully submitted,

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